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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/768,939	01/30/2004	Thomas Robert Gold	672P001	7176

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EXAMINER

CHIU, RALEIGH W

ART UNIT	PAPER NUMBER
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3711

DATE MAILED: 11/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/768,939

Applicant(s)

GOLD, THOMAS ROBERT

Examiner

Raleigh Chiu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 10-19, 22-30 and 32-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 10-19, 22-30 and 32-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-7, 10-19, 22-29, 35 and 36 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1 and 13, the added limitation that the "shaft is not positioned between the target side arm and the player's rib cage" is inapt because it is inconsistent with applicant's originally filed drawings. See applicant's own Figure 4C below where the shaft is clearly positioned along the dashed line between the target arm side and the player's rib cage side.

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Further, the claims also require that the shaft be positioned "against the player's armpit or area at the front of shoulder of the arm of the target side hand" (second sub-paragraph). As the armpit is the area beneath the shoulder and the shoulder is a part of the body between the rib cage and the arm, the armpit is necessarily between the arm and rib cage. Therefore, the shaft cannot be positioned against the armpit and meet applicant's added limitation.

Claims 2-7, 10-12, 14-19, 22-29, 35 and 36 are rejected because they depend either from a rejected claim 1 or claim 13.

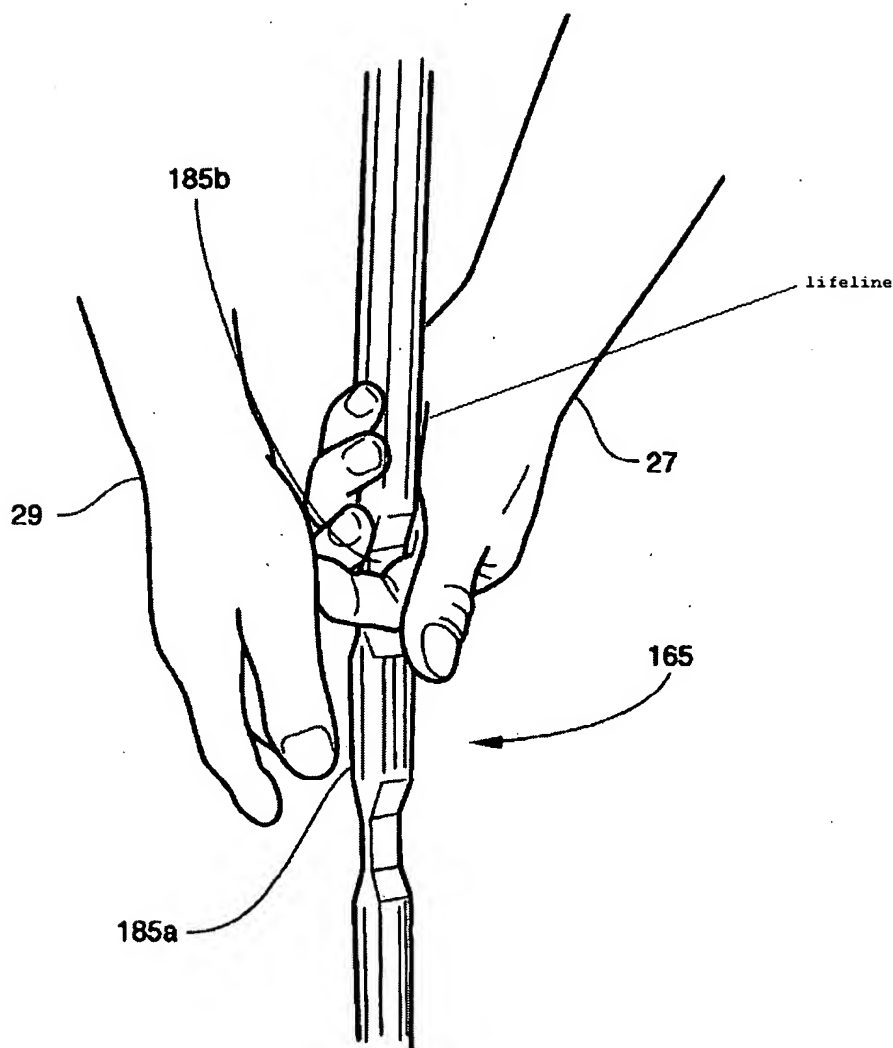
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Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 30 and 32-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shioda (USPAPN 2004/0166956) for the reasons set forth in the previous Office action.

Regarding claim 30, Figures 14-23 show the recited grips by the target side hand and the other hand. As Figure 14 clearly shows the golf club positioned between the user's index and middle fingers but fails to definitively show whether the club travels along the "lifeline" of the palm or across the "pinkie pad", it would have been obvious to one of ordinary skill in the art to hold the club in either position which would be most comfortable for the user.



It is believed that Figure 14 of Shioda shows the golf club shaft entering the user's palm along the "lifeline" as shown by the thumb crease above. It is also believed that the shaft would have to enter the user's palm along the "lifeline" to reproduce the stance shown in Shioda's Figure 1. To the extent that Shioda does not explicitly describe where the shaft enters the user's palm, Shioda does clearly state that his grip "allows

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the golfer's wrists to remain aligned with the hands" to provide a more controlled grip and golf club swing. See paragraph [0006]. Further, Figure 14 clearly shows the shaft exiting the target side hand between the index finger and third finger of the target side hand as claimed and there is a limited range of possible entering positions that the shaft could have in order to maintain that exit orientation. As it was commonly known to those skilled in the golfing art that users position their hands for a comfortable grip, it would have been obvious for a person having ordinary skill in the art to adjust the position of the shaft, including along the "lifeline" of the user's palm, in order to obtain the most comfortable grip while also maintaining the correct wrist alignment.

Regarding claim 32, Figures 20-21 show the target side hand below the other hand.

Regarding claim 33, Figures 6-12 appear to show a putter.

Regarding claim 34, as Shioda discloses his grip does not create additional tension in the golfer's arm, thereby preventing extraneous motion, one of ordinary skill would realize that such a benefit would apply to all golf strokes, including chipping.

5. Claims 1, 10-13, 22-29, 35 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over the London Evening

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Standard article cited by applicant (Rock Steady) for the reasons set forth in the previous Office action.

Regarding claims 1, 10-13, 22-29, 35 and 36, Rock Steady discloses the method of holding the top of the golf club between the player's armpit. Although the article and the accompanying photograph fail to explicitly describe the exact position of the user's arms, it is noted that a gripping portion exists approximately halfway down the club shaft. As such, it would have been obvious to a person having ordinary skill in the golfing art to fully extend his arm along the shaft to grab the gripping portion of the club in order to putt the ball. The conclusion of obviousness may be made from common knowledge and common sense of the person of ordinary skill in the art.

Regarding the amendment to claims 1 and 13, Rock Steady is considered to meet those limitations to the extent that the Rock Steady photograph shows the same positioning as applicant's Figures.

Response to Arguments

6. Applicant's arguments filed 05 September 2006 have been fully considered but they are not persuasive for the reasons set forth above.

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Further, no specific arguments have been directed against the rejection of the claims with respect to Rock Steady.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raleigh Chiu whose telephone number is (571) 272-4408. The examiner can normally be reached on Monday-Thursday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eugene Kim, can be reached on (571) 272-4463.

The fax number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Raleigh W. Chiu', is positioned above the printed name and title.

Raleigh W. Chiu
Primary Examiner
Technology Center 3700

RWC:dei:feif
28 October 2006